

****CONFIDENTIAL****

(Pursuant to Protective Order
entered on September 7, 2017)

IN THE WESTERN DISTRICT OF MISSOURI

Norman Brown, et al.,)
 Plaintiffs,)
 vs.) 2:17-cv-04082-NKL
)
Anne L. Precythe, et al.,)
 Defendants.)

Transcript of Audio-Recorded Parole Board Hearing

ELIZABETH M. GRAVITZ, CCR#881

APPEARANCES

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Participants designated as Highly Confidential per
protective order dated September 7, 2017. See Attached Key
Sheet.

VICTIM: I'm okay.

1 PANEL MEMBER ONE: And you're speaking --
2 are you here --

3 PROSECUTING ATTORNEY: I'm here for the
4 prosecutor's office. I filed a formal memorandum. I
5 might have some remarks if allowed. However you want
6 to proceed is fine with me.

7 PANEL MEMBER ONE: Okay. And you want to
8 speak with the offender?

9 PROSECUTING ATTORNEY: That's -- if that's
10 fine if that works.

11 PANEL MEMBER ONE: Sure. Sure. That's what
12 we'll do.

13 So, yeah, as we bring him in then, of
14 course, he has a delegate outside. You know, they're
15 limited to comments of support, but, you know, when
16 we -- when we begin your portion, we'll have you state
17 your name, introduce your support person, and then
18 we'll take your statement.

19 And if you have comments you'd like to close
20 with, we'll take those, and then that will conclude
21 the victim portion of this. Then we'll interview
22 the -- Mr. [Inmate] in regard to information in
23 today's hearing.

24 VICTIM: Um-hum.

25 PANEL MEMBER ONE: If at any time, you know,

1 during his conversation -- we don't know what he's
2 going to say or what, you know, his comments will be.
3 If you want to leave or it becomes upsetting or
4 anything --

5 VICTIM: No. I'm okay. I'm fine.

6 PANEL MEMBER ONE: -- we'll stop the
7 hearing, let you leave, and then we'll continue on.

8 VICTIM: I think I'll be fine.

9 PANEL MEMBER ONE: Okay. Okay. Any
10 questions before --

11 VICTIM: The only thing is I do have a
12 chronic cough due to what happened over the -- you
13 know, at the murder. If I start coughing or I need to
14 take a little bit of a break, I would appreciate if
15 you could bear with me.

16 PANEL MEMBER ONE: Okay. Sure.

17 VICTIM: Okay.

18 PANEL MEMBER ONE: Sure, sure, sure.

19 Anything else, Mr. --

20 PANEL MEMBER TWO: I don't believe so. Just
21 so that you understand, this is two segments of this
22 hearing. Be a victim's portion. Once we're done with
23 the victim's portion, the parole hearing will be
24 conducted. This is not a debate or cross.

25 VICTIM: No.

1 PANEL MEMBER TWO: Once we start with that,
2 the victim portion's done.

3 VICTIM: Yes. I understand.

4 PANEL MEMBER TWO: Okay. Okay. Good to
5 know.

6 PANEL MEMBER ONE: And we will ask of him
7 as -- you know, there's no looking back and forth.
8 That you address the panel.

9 VICTIM: Just look at you.

10 PANEL MEMBER ONE: Yes.

11 VICTIM: Um-hum.

12 PANEL MEMBER ONE: We'll ask that of him
13 also, so...

14 Okay. We're ready to bring Mr. [Inmate] in.

15 PANEL MEMBER TWO: Yes, sir. Thank you.

16 PANEL MEMBER ONE: Good morning.

17 DELEGATE: How are you?

18 UNIDENTIFIED SPEAKER: Have a seat in that
19 chair over there.

20 PANEL MEMBER ONE: Okay. Good morning.
21 Could you state your name and number for your parole
22 hearing?

23 DEFENDANT: [Inmate], 191425.

24 PANEL MEMBER ONE: Okay. Mr. [Inmate], this
25 is your parole hearing today. I see you have a guest

1 delegate with you. Would you introduce her to the
2 panel, please?

3 VICTIM: My delegate is Mrs. [Delegate].

4 PANEL MEMBER ONE: Mrs. [Delegate], have you
5 ever been to a parole hearing before?

6 Okay. Just -- just as a reminder, what
7 we'll do is we have a victim's portion, and we will
8 begin that first and then conclude that and go on to
9 our interview with Mr. [Inmate].

10 At the end of that -- you won't participate
11 in that interview, but at the end, if you have
12 comments of support, we'll be glad to hear your
13 comments. If you're there by side for moral support,
14 that's fine, too.

15 Okay. Mr. [Inmate], your hearing panel
16 today. Mr. [Panel Member Three]. Mr. [Panel Member
17 Two].

18 PANEL MEMBER TWO: Good morning.

19 PANEL MEMBER ONE: I'm Mr. [Panel Member
20 One].

21 And as -- yeah, as we begin with the victim
22 portion of this, during our interview with taking the
23 information from the victim and then after we move on
24 to you, if you would face, face us. No looking back
25 and forth or anything. Up and down the line, please.

1 DELEGATE: Would you like us to turn our
2 chairs so we're not (inaudible)?

3 PANEL MEMBER ONE: Yeah. A little bit,
4 little bit more because you're kind of angled in. If
5 you could just straight line it, it would be better.
6 Thank you.

7 PANEL MEMBER TWO: Thank you so much.

8 PANEL MEMBER ONE: Okay. If we could, we
9 are recording the proceedings. If we could have you
10 introduce yourself and your guest --

11 VICTIM: Okay.

12 PANEL MEMBER ONE: -- and then proceed.

13 VICTIM: Okay. I'm [Victim]. This is my
14 significant other [Victim Support]. And he's my
15 support (inaudible).

16 PANEL MEMBER ONE: Okay. What would you
17 like to share with the panel today?

18 VICTIM: I have a whole statement I'd like
19 to read.

20 PANEL MEMBER ONE: Okay.

21 VICTIM: Respected members of the parole
22 board, allow me to introduce myself. My name is
23 [Victim], a victim of a crime that was committed
24 against my husband, [Murder Victim], and myself on
25 that fateful night of July 27, 1991.

1 I am here to represent my departed husband
2 [Murder Victim], my children Neil and Mindy, family
3 and friends.

4 On July 27, 1991, my life as I knew it came
5 to an abrupt end, and my world came crashing down. I
6 never imagined that after three trials -- two for
7 Mr. [Co-Defendant] due to a hung jury by only one
8 jurors and one for Mr. [Inmate] -- an execution of
9 [Co-Defendant] that took place 23 years after the
10 crime, to my husband (inaudible) husband's murder with
11 my own eyes, having been wounded myself, and having
12 miraculously escaped death that fateful night would I
13 again be forced to relive that horrific experience.

14 The state court jury, 12 of Mr. [Inmate]'s
15 peers, convicted Mr. [Inmate] of first degree murder,
16 first degree assault, two counts of first degree
17 robbery, and two counts of armed criminal action.

18 Mr. [Inmate] was sentenced by the St. Louis
19 County Circuit Court in 1993 to consecutive terms of
20 life imprisonment without parole for the murder
21 conviction, life in prison for the assault conviction,
22 30 years in prison for each of the armed criminal
23 action convictions. His convictions and sentences
24 were confirmed on appeal. Yet here we are today
25 arguing for and against granting of the parole to Mr.

1 [Inmate].

2 Yes, I have familiarized myself with the
3 Supreme Court cases of Miller v. Alabama, Montgomery
4 v. Louisiana, and Missouri State Bill No. 590. I am
5 also a great believer in the rule of law; however,
6 each case must bring certain elements in
7 considerations.

8 Several court judgments have used the
9 following terms to describe juvenile state of mind,
10 and I quote, "Children have a lack of maturity and
11 underdeveloped sense of responsibility leading to
12 recklessness, being impulsive, and heedless risk
13 taking." Roper 543 US at 569.

14 Again, I quote, "Adolescents have difficulty
15 in weighing long-term consequences corresponding
16 impulsiveness." Graham 560 US at 78.

17 Distinguished members of the board, I would
18 ask you make an effort and go back in time, do an
19 honest self-reckoning and examine yourself at the age
20 of 15 to 16.

21 Can one equate stealing a hubcap, taking
22 your dad's car for a spin without a license, smoking
23 marijuana behind the tool shed in your families'
24 backyard, or stealing a beer bottle from the local
25 grocery with participation in the planning of an armed

1 robbery and murder?

2 Wouldn't each and every one of you been able
3 to assess the level of severity of each of the above
4 actions? And would not each of you been able to
5 understand the difference in the consequences?

6 It is extremely important that you look at
7 our facts very straight in this matter. Only six
8 months ago, on November 17, 2016, an organization
9 named AMICI, which claims to be advocates and
10 researchers who have a wealth of experience and
11 expertise in providing for the cure, treatment, and
12 rehabilitation of youth in the child welfare system,
13 justice system, petitioned on behalf of Mr. [Inmate]
14 for, in other words, a request for a lower court to
15 deliver its record in a case so that a higher court,
16 usual the Supreme Court, may review -- may review it
17 at its discretion.

18 It appears that this organization has little
19 or no respect for this proceedings or this board. I
20 quote, "This review is conducted solely by the parole
21 board and provides no opportunity for a court to
22 determine an appropriate sentence," end of quote.

23 Really? Really? Are we to conclude that
24 the presiding judge during the trial, 12 jurors, and
25 the Court of Appeals were all idiots who had no idea

1 what they were doing when they sentenced Mr. [Inmate]?

2 Allow me to quote an additional
3 disinformation and an outright lie in the AMICI
4 petition, which I will immediately prove as such.

5 I quote, "Because of the lack of both
6 premeditation and personal participation in the
7 killing, [Inmate] did not kill or intend to kill. He
8 was unarmed and was clearly used by his adult
9 codefendant, [Co-Defendant] as a decoy as
10 [Co-Defendant] carried out the robbery and murder that
11 he personally planned," end of quote.

12 Here are the true facts. The existence of a
13 second gun in the hands of Mr. [Inmate] was never
14 determined in a conclusive or definitive manner during
15 the trial; however, following the bullets that entered
16 and exited my left arm and my chest, even though I was
17 in a state of shock, I distinctly remember being
18 physically abused towards me and threatening my life.

19 I want to read that again. I distinctly
20 remember Mr. [Inmate] being physically abusive towards
21 me and threatening my life both verbally and with
22 armed -- armed gestures while forcing me to remove my
23 rings and tearing a necklace off of my neck.

24 Mr. [Inmate]'s words, "I'm going to kill
25 you," are etched in my brain. As to planning and

1 intent to kill, [Inmate] accompanied and assisted
2 [Co-Defendant] in casing out our jewelry offices ten
3 days before the murder.

4 [Co-Defendant], whose real name we did not
5 know, presented him as his younger brother. We had
6 sold [Co-Defendant] several small diamonds for a piece
7 of jewelry he was wearing when he showed up at our
8 office approximately three years before prior to the
9 murder.

10 Having recognized [Co-Defendant] as a former
11 customer, our guard was down, and I proceeded to show
12 [Co-Defendant] several diamonds for so-called -- for a
13 so-called girlfriend. After a short time,
14 [Co-Defendant] said he could not make a decision at
15 that moment and would call before coming in another
16 day. [Co-Defendant] and [Inmate] got up and left.

17 What we did not know when he appeared at our
18 office with [Inmate] was that [Co-Defendant] had spent
19 the previous three years in prison for armed robbery.
20 Since he had been identified by the woman he robbed
21 and was sent to prison, he obviously had decided in
22 our case not to leave any witnesses behind.

23 Mr. [Inmate] had ten days between his first
24 visit to our office with [Co-Defendant] and the
25 fateful Saturday night on which they returned with the

1 intention of committing the crime to come to his
2 senses and realize the seriousness of the crime he was
3 about to commit and its consequences.

4 There is no doubt that Mr. [Inmate] as a
5 result of his participation -- participating in the
6 planning and preparatory phase of the crime, not only
7 foresaw likelihood that death would result, he acted
8 with the knowledge and forthright that death is more
9 than a merely probable result and, therefore, had
10 intent to kill. Knives and ropes were found in the
11 getaway car used in the attempted escape.

12 It appears at this point we are to also
13 dispel any notion that anyone might still have of
14 Mr. [Inmate] being a childlike first offender, first
15 time offender. It can easily be verified and
16 ascertained that [Inmate] had a long adolescent
17 history of crime before committing the ultimate crime.

18 I distinctly remember that when his mother
19 was contacted by the police or juvenile authorities
20 and asked to come down to the incarceration facility,
21 she refused at first being well acquainted and sick
22 and tired of her son's involvement with the law. Only
23 after the severity of the charges were explained to
24 her did she accede -- accede and arrive at the
25 facility.

1 There always seems to be much discussion and
2 research with regard to the term cruel and unusual
3 punishment when considering life imprisonment for a
4 juvenile. My main issue with this is that the victims
5 are always the forgotten ones.

6 [Murder Victim], my husband, was shot in the
7 main artery in his chest and suffered endless pain and
8 terror before he breathed his last breath in the
9 helicopter that flew him to a hospital. I myself
10 managed to survive; however, I felt pain and terror as
11 I lay on the floor playing dead while the murderers
12 ransacked the office.

13 I have been suffering from my wounds, both
14 mental and physical, for nearly 26 years and will most
15 likely suffer forever. I have a debilitating chronic
16 cough which began shortly after the shooting and have
17 received several medical opinions that this is due to
18 my vagus nerve being affected by one of the bullets
19 that entered and exited my chest.

20 Did I not get a life sentence with this
21 suffering? I will never forget that horrible night as
22 long as I live. I have to live with that memory every
23 day of my life. The loss of my husband to such a
24 heinous, premeditated crime is unforgivable.
25 Unfortunately, this is never discussed, nor is there a

1 parole board that can come to my rescue.

2 I believe that a matter of great concern to
3 society as a whole is whether the juvenile perpetrator
4 during his incarceration learned some skill, trade, or
5 craft by which he can support himself in the event he
6 is released and become a constructive member of
7 society.

8 We all know the odds are very high for a
9 revolving door situation in which [Inmate] will find
10 himself back in prison. In any case, not having an
11 occupation by which he can support himself is a
12 hundred percent guarantee of this happening.

13 Mr. [Inmate] has been incarcerated since he
14 was about 16 years old. Twenty six years with no rent
15 to pay, no bills to pay, free meals, medical and
16 dental care free. In other words, freedom from all
17 responsibilities and adult -- an adult out of prison
18 is burdened with.

19 We also should be very concerned if
20 Mr. [Inmate] managed to enhance those negative skills
21 which he did have when he entered prison during the
22 many years he has spent there surrounded by other
23 similarly talented inmates.

24 The Supreme Court ruling which allows
25 Mr. [Inmate] to have his case reviewed once again

1 because of his age at the time the crime was committed
2 is being watched by juvenile gang members. The
3 possibility of parole after such a heinous crime sends
4 a message to potential murderers that you don't have
5 to pay the full price for a murder. You're a
6 juvenile.

7 [Inmate]'s prison record is not unblemished.
8 Parole only offers more opportunity to commit more
9 felonies. The public in general and my family and I
10 in particular deserve better. I sincerely hope the
11 board will give these issues serious consideration.
12 My family and myself are very concerned with my safety
13 if Mr. [Inmate] is granted parole.

14 A jury of 12 citizens spent endless hours
15 deliberating his fate. Mr. [Inmate] was sentenced to
16 life plus 90 years with no possibility of parole
17 because of his active participation in the crime.

18 In conclusion, I would like to say that my
19 beloved husband, [Murder Victim], was 51 years old
20 when his life was cut short by [Co-Defendant] and
21 [Inmate]. My husband never got to see our daughter
22 Mindy get married, nor did he get to see three
23 grandchildren who are today ages 15, 17, and 20 and
24 were all born during the years following his murder.

25 He was not there to give my two children,

1 Neil and Mindy, advice or support during the early
2 years of their adulthood or later during times in
3 their lives when they needed his advice and support.

4 My final words to our judicial system as a
5 whole are please, please, think and worry more often
6 about the victims and less about the murderers.

7 Thank you.

8 PANEL MEMBER ONE: Thank you for coming and
9 sharing your information with us today, ma'am.

10 Sir, did you have any?

11 PROSECUTING ATTORNEY: Yes. Briefly. My
12 name is [Prosecuting Attorney]. I'm an assistant
13 prosecuting attorney in St. Louis County. I was the
14 trial attorney during both the [Co-Defendant] trial
15 and the [Inmate] trial.

16 What I would like to say -- and I know I've
17 provided a memorandum that kind of details some of the
18 facts, but I want to make it clear that but for this
19 little lady being so brave and so quick thinking by
20 playing dead, we probably wouldn't even be here.

21 Because had she not managed to struggle to a
22 phone, the only phone in the building -- that's why I
23 included a crime scene diagram. The only phone in the
24 building that the defendant and his codefendant had
25 not taken. It was their intention that this be a

1 double homicide that these two individuals be left to
2 die in their jewelry store with no way to call out for
3 help, with no way to get out without keys.

4 This was a robbery -- in all the years I've
5 been doing this -- and I hate to admit it, but it's
6 more than three decades -- I don't know that I've ever
7 seen a more deliberate, planned double homicide.

8 They came to the store on three occasions
9 before they committed this crime. They met with the
10 [Victims]. They talked for more than an hour with the
11 [Victims]. And not just [Co-Defendant], but
12 [Co-Defendant] and [Inmate] both talked to her.
13 Engaged them in conversation, a ruse that they were
14 there to buy a ring, when they were, indeed, just
15 casing the place.

16 On the day of the homicide, they came back
17 early in the day, but there were customers there,
18 witnesses. They stayed for a few moments, and then
19 they said, We'll try to come back.

20 They came back to -- and I included
21 photographs there -- to a store that was down in the
22 basement, to a store that was below a bank, and that
23 when the bank and the headhunters next door were
24 closed, there was no one around.

25 They came in. They looked at stones. They

1 asked her for more stones. They got her to bring out
2 all sorts of jewelry. And at that point what they did
3 is they said, Well, we want to talk for a minute.
4 They left the room.

5 Mr. and Mrs. [Victims] were talking. All of
6 a sudden, they came back. Without saying one word,
7 [Co-Defendant] opened fire, shot Mrs. [Victim] twice,
8 shot Mr. [Victim] three times.

9 [Victim] will tell you that she never heard
10 [Co-Defendant]'s voice. Never heard him say a thing.
11 Just shoot. Heard her husband plead, No more, no
12 more, take what you want.

13 What she did hear is she heard this man over
14 here threaten her life on three separate occasions,
15 demanding she take her jewelry off, taking her rings
16 off. She was struggling because she was injured. She
17 got her rings off. That wasn't fast enough. He
18 continued to threaten to kill her.

19 This was an active participation. He'd been
20 there three times previously. She knew his face. He
21 knew that she could identify. [Co-Defendant] knew she
22 could identify.

23 The smart little lady was very courageous.
24 She played dead. When she played dead, he came and he
25 searched her pockets. This man. Not [Co-Defendant].

1 This man searched her pockets. This was an active
2 participant in a premeditated murder.

3 But for her calling out and the fact that
4 [Co-Defendant] drove a little bit fast, this -- we
5 wouldn't be here. This homicide never would have been
6 solved. Two dead people would have been located
7 probably by their daughter when she came in the next
8 day. This was extremely premeditated.

9 But we're here to talk about what he was
10 like at the time. When he was arrested, he initially
11 wouldn't make a statement. And when his mother came
12 in, he decided to make a statement. But what he
13 didn't know was that she survived. She lived.

14 And so the police said, Tell us what
15 happened. And he admitted being there. He admitted
16 that he knew [Co-Defendant]. He admitted that
17 [Co-Defendant] and he had talked about this plan to
18 kill the [Victims]. He even talked about he'd shoot
19 one and [Co-Defendant] would shoot the other.

20 He told the police all of this stuff, but he
21 said when the time came, I said, I can't do it, and I
22 went outside. And I heard seven shots. And then he
23 proceeded in his statement to say how horrible
24 [Co-Defendant] was and how [Co-Defendant] did all
25 this. But low and behold, this little lady lived.

1 So when he comes to trial, what does he do?
2 Does he admit it? No. He said, I was there, and I
3 was shocked at the whole thing. He said, I didn't
4 even speak to Mrs. [Victim]. [Co-Defendant] told me
5 to get her jewelry, and I did that, but I didn't do
6 anything.

7 But in reality, and why the crime scene
8 diagram was important, is when he's pulled over by the
9 police and they search his pockets -- his person, not
10 the car. There was jewelry and diamonds throughout
11 the car. But they search his person, and they find a
12 couple things that are very interesting.

13 They find a bracelet, a custom bracelet,
14 that was for Mindy [Victim], Mrs. [Victim]'s daughter.
15 That bracelet had been in a different room than where
16 Mrs. [Victim] was when he searched her pockets. That
17 was in the vault being repaired.

18 He went from her into that room took
19 jewelry, took Mindy's jewelry, put it in his pocket.
20 He went into the front. He took a ring that belonged
21 to a customer. He was an active participant in this.

22 And when he came to trial and he denied that
23 he done some of these things, the jury listened to
24 that. And it seemed like endless hours, but it was
25 two hours. And these jurors came back knowing full

1 well after they heard from him that he was under 16
2 when he committed this crime, and they saw the plan.
3 They didn't know about his juvenile record, but they
4 saw the planning and participation, and they came back
5 with their verdicts, which were pretty steep.

6 They didn't give him the minimums on the
7 assault. They didn't give him the minimums on the
8 robbery, the ACA. They gave him the maximums on each
9 one. Now, that says something about 12 citizens who
10 came in and just listened to Ms. [Victim] and listened
11 to him. They thought he was dangerous. The judge
12 thought he was dangerous and ran them all consecutive.

13 I've looked at his institutional record.
14 He's learned to behave in the last couple years when
15 parole became a possibility. I'm worried that what
16 he's doing is he's conning the system again like he
17 thought he was conning the police when he told him
18 that he was out in the parking lot when this murder
19 took place.

20 I hope that's not true because I know that
21 under our law, parole's inevitable someday. It is.
22 But I would encourage the board to consider the
23 premeditation, the seriousness of the offense. The
24 fact that but for this little lady's courage here, we
25 probably wouldn't be here. He would have gotten away

1 with it.

2 Thank you.

3 PANEL MEMBER ONE: Okay. Thank you for
4 being here today and sharing that information. That
5 will conclude then the victim portion of this hearing.
6 We would move on to inmate Mr. [Inmate].

7 You are -- of course, as we are here today,
8 you are eligible now for parole hearing. This being
9 your first. It's noted you are serving a -- had been
10 assigned a life without parole, a life plus 90 years
11 for murder first degree, armed criminal action,
12 robbery first degree, assault first degree, armed
13 criminal action, and robbery first degree, correct?

14 DEFENDANT: Correct.

15 PANEL MEMBER ONE: And you had a jury trial
16 and was found guilty. In your mind today are you
17 guilty?

18 DEFENDANT: I accept full responsibility for
19 what I did to Mrs. [Victim], to their family. The
20 41-year-old man that's before you today is not the
21 same as the 15-year-old kid that was in the shop that
22 day.

23 PANEL MEMBER ONE: Okay. Well, let's start,
24 kind of go through the series of events, your version,
25 your participation. What, you are 15 years old at the

1 time?

2 DEFENDANT: Yes.

3 PANEL MEMBER ONE: Okay. And your
4 co-defendant?

5 DEFENDANT: Was 33.

6 PANEL MEMBER ONE: 33. A Mr.
7 [Co-Defendant]?

8 DEFENDANT: Yes.

9 PANEL MEMBER ONE: So what -- what led up to
10 this?

11 DEFENDANT: Mr. [Co-Defendant] was a guy
12 that I met in the neighborhood who I grew to love, and
13 he took care of me. I never had any parents. He took
14 care of me, and I grew to love him.

15 And he approached me, and he assured me --
16 about a robbery. He assured me that it was only -- it
17 would be easy. It's only one person. It's one old
18 lady. She was supposed to go in the closet. He was
19 supposed to lock the old lady in the closet. And I
20 agreed to help him in the robbery.

21 And the events that led up to Mr. [Victim]
22 dying, we were at the jewelry shop for the second
23 time, and one of the [Victims] suggested that we go to
24 the back, and so when went to the back -- we had been
25 there for hours, and Mrs. [Victim] was the only one in

1 there with us.

2 Mr. [Victim] came in hours later, maybe
3 like, ten o'clock, eleven o'clock, something like
4 that. Hours later. And at that point, I was sort of
5 relieved because I knew it was two people in there, it
6 was probably not going to happen.

7 One of the [Victims] offered us to go have a
8 soda in the back and think about the purchase because
9 he seemed hesitant about the purchase. We went to the
10 back. We had a soda. That's when I realized, learned
11 that my co-defendant had a gun.

12 And we went to the back. The first thing I
13 said to him was, It's over now. We can't do it now.
14 We'll have to come back another time because there's
15 two of them.

16 And he pulled out a gun, and that's when he
17 goes, It's going down. And I panicked. I panicked.
18 I went into the -- I said, Please, let me use the
19 restroom real fast. (Inaudible) I need to use the
20 restroom. He said, Okay. Hurry up.

21 While I was in the restroom, I heard the
22 shots. Standing at that urinal, all sorts of stuff
23 went through my mind. I heard so many shots I
24 thought -- at first I thought it was a struggle
25 because there was two of them. So many shots I

1 thought it was a struggle. And then I started
2 thinking, well, if I don't come out of this restroom,
3 he'll come in there and he'll shoot me.

4 As I went back up the hall, coming up on the
5 door where we were at, I saw Mr. [Victim] against the
6 desk. In the room, against the desk sitting like I'm
7 sitting in this chair, but he was sitting on the floor
8 and was covered in blood.

9 And at that time, I saw my codefendant,
10 Mr. [Co-Defendant], stick his head out the back door.
11 I hadn't seen Mrs. [Victim] yet. I didn't know she
12 was shot. I didn't know if she was (inaudible)
13 anything like that.

14 He stuck his head out the back door. He had
15 stuff in his hands. He had (inaudible) in his mouth,
16 and he motioned for me to come here. And I didn't
17 move.

18 He came over and grabbed me, pulled me back,
19 and this time I saw Mrs. [Victim] (inaudible) left on
20 the floor. And he was about where the officer is
21 right now rambling through desk drawers, and me and
22 Mrs. [Victim] we were looking at each other. I was
23 looking at her. She was looking at me on the floor.
24 And at that time I couldn't tell if she was shot by
25 the way she was sitting. And he started screaming and

1 yelling, Get her jewelry, get her jewelry.

2 And at that point I stepped closer to
3 Mrs. [Victim]. I said, Give me your jewelry. And she
4 had started to take off her rings, and the blood from
5 her arm start soaking her pants. She had white pants.
6 It started soaking her pants, and that's when I
7 realized she was actually shot.

8 And I didn't move. She kept struggling to
9 get her ring off, and the more I didn't move, the more
10 agitated he got and began screaming and hollering.
11 And I snatched her necklace off her. I threatened
12 her. I was -- I yelled at her. I remember yelling at
13 her, threatening her to take her jewelry off, take her
14 jewelry off.

15 She was in a panic. She was trying. And I
16 reached down, and I snatched the chain off her neck,
17 and I turned and I gave it to him.

18 PANEL MEMBER ONE: And what were you -- you
19 threatened her. What were you saying?

20 DEFENDANT: I won't disrespect Mrs. [Victim]
21 anymore by saying I didn't say this or I did say that.

22 If Mrs. [Victim] heard me say, I will kill
23 you, then I probably said that. I said that. I'll
24 take full responsibility for that. I won't be a
25 coward anymore. I take full responsibility for this

1 crime, for my involvement in this crime.

2 I did not know that my codefendant had a
3 gun. I did not know that he was going to kill the
4 [Victims]. That does not absolve me, and I know in my
5 heart it does not absolve me of my guilt for going
6 there to rob that place with my codefendant.

7 I remember going through, taking stuff off
8 her dresser. He put a trash can on top of the thing,
9 and he was filling stuff up into the trash can. And I
10 picked up stuff, and I put it into the trash can.

11 And he said, Let's go. Grab the trash can.
12 Let's go. I grabbed the trash can and left.

13 PANEL MEMBER ONE: Did you give two
14 different versions at one point? I mean, you admit
15 now and say that, but at one point did you say, Yeah,
16 I had no idea he was planning to rob the store?

17 DEFENDANT: The very first time -- we
18 entered that store twice. The very first time I had
19 no idea that we were there to rob the store, that we
20 were there to case the joint.

21 I had no idea Mr. [Co-Defendant] knew the
22 [Victims] prior to that. I had no idea he did three
23 years for robbery, armed robbery or something similar
24 to this nature. The first time I ever -- I didn't
25 know he was calling the [Victims], setting up

1 appointments or whatever it was that they got in touch
2 with each other to get us to that point. The first
3 time we visited that store, I did not know we were
4 going to rob that store.

5 The second time I knew full well we were
6 there to rob the store. I was being told and I was
7 under the impression that this person was going to put
8 this lady in a closet. I had no idea he had a gun and
9 was going to shoot the [Victims].

10 And I did -- I -- Mr. [Prosecuting Attorney]
11 talked about a statement that I made to the police. I
12 did make a statement to the police, and I tried to
13 remove myself from the scene.

14 Years later I had -- maybe like a year and a
15 half later I had came to terms with what I did to this
16 family, to this woman, and I wanted to plead guilty.
17 I wanted to plead guilty for my role in this crime. I
18 wanted to. I had my attorney to contact someone in
19 the prosecution's office, and I was supposed to plead
20 guilty.

21 I know I did wrong. I know. I'm not before
22 this board right now trying to be absolved of my guilt
23 or acquitted of my responsibilities. I hurt someone.

24 I can't -- the man I am now, I know what it
25 is to love your family, and I can't imagine someone

1 doing that to my sister. I can't imagine that. This
2 family doesn't have to imagine it. They actually went
3 through it because of me. I understand that. So I'm
4 not asking to be absolved of my guilt.

5 And I understand the juvenile, the law and
6 the way it's been written and the things that's been
7 taking place with juveniles, it's upsetting to people
8 because people have hurt, and this is a long-standing
9 hurt. Like Mr. [Victim] is not coming back. I
10 understand that.

11 What I'm asking this panel for is to view
12 me, who I was in that moment and what happened in that
13 moment, and view me now. Like, I'm not that little
14 boy anymore. And what I'm asking is for you guys to
15 look at me and decide whether I am the worst that
16 exists, if I am irreparable or irredeemable.

17 You know, I want you guys to look at me and
18 say, well, maybe this kid does deserve a second chance
19 or could make use of a second chance. That's why I'm
20 before this board. Not (inaudible) responsibilities
21 for what I did.

22 PANEL MEMBER ONE: Okay. At any point did
23 you have a gun?

24 DEFENDANT: No, sir. I never had a gun in
25 my life.

1 PANEL MEMBER ONE: I mean in the store --

2 DEFENDANT: In the store.

3 PANEL MEMBER ONE: -- did you ever handle a
4 weapon?

5 DEFENDANT: No, never.

6 PANEL MEMBER ONE: Knife, club?

7 DEFENDANT: No. It was my intention -- it
8 was my understanding that the lady that we were going
9 to rob, it was just one lady, and she would go in the
10 closet. He was a bigger guy. He was a stronger guy,
11 so it was believable. And I agreed to that.

12 PANEL MEMBER ONE: Before we go on to other
13 elements of our hearing today, let me see if the other
14 panel members have any questions for you.

15 Mr. [Panel Member Three]?

16 PANEL MEMBER THREE: I have none.

17 PANEL MEMBER ONE: Mr. [Panel Member Two]?

18 PANEL MEMBER TWO: So Mr. [Co-Defendant] and
19 you knew each other for how long?

20 DEFENDANT: About four, five months maybe.

21 PANEL MEMBER TWO: Four or five months.

22 Prior to this incident, had you and he engaged in any
23 other criminal activity?

24 DEFENDANT: Yes.

25 PANEL MEMBER TWO: What type?

1 DEFENDANT: I sold drugs for Mr.
2 [Co-Defendant]. I met people for Mr. [Co-Defendant]
3 and gave them drugs.

4 PANEL MEMBER TWO: Okay.

5 DEFENDANT: I held drugs in my house for
6 Mr. [Co-Defendant].

7 PANEL MEMBER TWO: Okay. Any other
8 incidents of violence or aggression?

9 DEFENDANT: No. I'm not a violent person.
10 Prior to that incident where I was violent to
11 Mrs. [Victim], I had never been violent. After that
12 incident, I had never been violent. I never had a
13 fight in my life.

14 PANEL MEMBER TWO: Okay. So it's -- just so
15 that I'm clear, it's your petition today that it was
16 planned to rob the store but that no one would get
17 injured or killed? Is that what you're saying?

18 DEFENDANT: Yes, sir.

19 PANEL MEMBER TWO: And the plan was that the
20 victims would be locked in a closet, which would give
21 you access to the store. Is that what I'm hearing you
22 say?

23 DEFENDANT: It was only -- it was only one
24 victim. It was supposed to be one little old lady.
25 Yes, that's what I'm saying.

1 PANEL MEMBER TWO: Okay. And we're going to
2 go on a little bit, but one of the statements you made
3 is that you're not the same person. So why don't you
4 extrapolate on that a little bit?

5 DEFENDANT: Can you please explain that word
6 to me?

7 PANEL MEMBER TWO: Sure. I'm sorry. Why
8 don't you tell us in what ways you are no longer that
9 same person.

10 DEFENDANT: I'm no longer that same person
11 because I've grown into a responsible, mature adult
12 who has the thinking ability to not only know right
13 from wrong but do right from wrong.

14 I know that every human being in this world
15 has the right to walk down the street or be in their
16 homes or be in their businesses without the fear of
17 someone taking their belongings or hurting them or
18 their children or their loved ones.

19 I understand what it means to love, to not
20 hurt people. That no one deserves to be hurt. I
21 understand that I have to act -- I need and will
22 always ask questions and challenge things instead of
23 taking things for face value. I will no longer ever,
24 ever be that immature, vulnerable little boy I was
25 when I committed this crime.

1 PANEL MEMBER TWO: Mr. [Panel Member One], I
2 don't think I have anything further at this time.

3 PANEL MEMBER THREE: One item.
4 Mr. [Inmate], I just -- I quoted you're no longer the
5 same person. My one concern that I just picked up.
6 You told my staff member an entirely different account
7 during the course of that interview with -- for the
8 report than what you shared with us today.

9 DEFENDANT: I think -- which part you
10 talking about?

11 PANEL MEMBER THREE: Stated you had no idea
12 you were planning -- there was a plan on robbing the
13 store. You wanted to go buy an engagement ring or
14 even that there was a gun, which you did state you
15 didn't know there was a gun. You stated you were --
16 right, you didn't know there was a gun?

17 DEFENDANT: No, no. That's (inaudible).

18 PANEL MEMBER THREE: You stated you were a
19 ploy and it was all set up. But you just shared that
20 the robbery part had been discussed. So my concern
21 is, is why not share that from the very beginning when
22 you're doing that first interview?

23 DEFENDANT: The very first time we visited
24 the store, I did not know we were going to rob that
25 store. The very first time it was a ploy. I was told

1 to tell Chris that we were buying an engagement ring
2 and she wasn't supposed to know. I did not know we
3 were going to rob that store until the second time we
4 showed up.

5 PANEL MEMBER THREE: Okay. So during the
6 interview with Mr. Cantrell, why was that not -- do
7 you see what I'm saying? You stated in that interview
8 you had no idea. And you shared that throughout, that
9 you didn't have any idea.

10 DEFENDANT: (Inaudible) first time then.

11 PANEL MEMBER THREE: Okay. So you -- so
12 there was maybe some confusion on the course of that
13 interview?

14 DEFENDANT: Probably.

15 PANEL MEMBER THREE: Okay.

16 DEFENDANT: What I would like to point out
17 is that, again -- and I want to say this because
18 I'm -- I know I'm -- told not to speak, but I want
19 Mrs. [Victim] to know that I'm not asking this board
20 to absolve me of my guilt or acquit me of my
21 responsibility for what I did. I'm just asking this
22 board to consider whether the sentences that I have
23 received was excessive compared to the man I have
24 become today.

25 PANEL MEMBER THREE: I have nothing.

1 PANEL MEMBER ONE: A quick -- your juvenile
2 history. You had six months' probation, tampering,
3 truancy. What was the tampering about?

4 DEFENDANT: We had stolen a car at the junk
5 yard.

6 PANEL MEMBER ONE: We as in? Who is we?

7 DEFENDANT: Group of friends. Group of
8 neighborhood kids. We had been playing in the junk
9 yard, running around. We get the bright idea to take
10 the car outside the junk yard, and we drove it in the
11 neighborhood. Police stopped us and we got arrested.

12 PANEL MEMBER ONE: And you had mentioned
13 selling drugs for Mr. [Co-Defendant]?

14 DEFENDANT: Yes.

15 PANEL MEMBER ONE: What was -- what was your
16 history of using? Did you drink, smoke pot, use
17 heroin, cocaine?

18 DEFENDANT: I was not addicted to any drugs,
19 but in my youth, as a kid, my stepfather at the time
20 was an alcoholic. And we would -- if he laid his
21 bottle around or whatnot, we would take -- you know,
22 being mischievous little kids would take sips out of
23 it. But at the time I wasn't addicted to anything.

24 PANEL MEMBER ONE: Okay. Here in prison
25 you've had five No. 11s, which are possession or use.

1 DEFENDANT: (Inaudible).

2 PANEL MEMBER ONE: Why would that be?

3 DEFENDANT: Because I committed those
4 offenses. I take full responsibility for using drugs
5 in prison.

6 PANEL MEMBER ONE: Okay. But why?

7 DEFENDANT: Each -- one of the first time I
8 remember I was in Potosi, and a guy gave me some. I
9 experimented. First time I ever did any drugs, hard
10 drugs I remember, and it was cocaine.

11 I think the second time it was prison hooch
12 I think maybe. The third time -- I can't remember in
13 order, but it was some related to -- one was I had too
14 much water in my system at one time. It was a
15 (inaudible). One was marijuana and one was opiates.

16 PANEL MEMBER ONE: And that's, I mean, been
17 a while. I mean, it looks like the last one's noted
18 in '08, which has been nine years ago or so.

19 DEFENDANT: Prior to -- since my last one
20 I've taken a number of substance abuse classes, mental
21 health classes to deal with that sort of thing.
22 And --

23 PANEL MEMBER ONE: And what was the one
24 other particular about grabbing a staff member's butt,
25 buttock?

1 DEFENDANT: That was here at this
2 institution. The way I -- at the time I was working
3 in the kitchen, and Mrs. Skaggs, I think she was
4 Johnson at the time, was a new person. She became a
5 new staff member.

6 And I bumped into her because -- I don't
7 know if you've been in our prisons, but the way our
8 kitchens is set up, it's probably about as big as wide
9 as from here to maybe half -- into half of that table.
10 Maybe at the end of the table.

11 And you have at any given number of time 15
12 to 20 people going through there, you know, we have to
13 feed. We have to open the coolers, have to open the
14 heaters. And it's just so much moving around, and I
15 bumped into her.

16 And in that, that's what happened, and I
17 accept full responsibility for it. I didn't choke,
18 whine, or cry about it. I did that and --

19 PANEL MEMBER ONE: Okay. Well, let me -- in
20 kind of looking at your conduct violations, was not
21 good, did not start off good. And then at 20 -- up to
22 2010 I see a big change. You have one in '11, one in
23 '13, one in '14. Nothing since then.

24 What -- you know, to say what -- the
25 lightbulb came on. What -- what's your reason? What

1 caused your conduct to improve tremendously from what
2 it was?

3 DEFENDANT: I -- in all honesty, it was this
4 prison. This prison gave me -- I came to this prison
5 at the right time because it gave me room to grow as a
6 man. I didn't have to -- I didn't have -- there was
7 more programs, and there was more things available to
8 me at this prison at that time, and I took full
9 advantage of those programs.

10 I had been in prison so long. You grow up,
11 and everything in prison gets old fast. And I had
12 started just changing my life. I started believing in
13 God more. I started just wanting to be a better
14 person. Just change my life.

15 PANEL MEMBER ONE: Okay. Yeah, because I
16 see, yeah, you started at Potosi, went to Cameron,
17 Charleston, JCCC, up to here at Licking at that point.

18 Says your work assignment here, recreation
19 department, you do the floors.

20 DEFENDANT: The weights and that.

21 PANEL MEMBER ONE: Weights.

22 DEFENDANT: Weights for like maybe a year.

23 PANEL MEMBER ONE: And you completed your
24 high school equivalency back in '96. Would like to
25 further your education.

1 Programs. Let's talk about that. I know we
2 have -- there's many listed here. We have many on
3 your behalf of all your participation in programs and
4 Toastmasters, and I know you're big in the Puppies for
5 Parole program and have a job or a business plan
6 developed for that.

7 Tell me about things you -- and that's
8 something else. Tell me about some of the things
9 you've learned in the program, how that has helped
10 change you. And here, again, it's kind of in the
11 2011/2012 time frame I noticed most as far as dates.

12 I'm sure you were maybe doing something
13 before that, but it was kind of an explosive
14 difference between -- it's kind of like your conduct.
15 Up until that point, but, you know, you got involved
16 in programming a lot.

17 So what -- what's something you can tell us
18 about your program, the programs you've taken, things
19 you've learned, and you tell us you're a changed man.

20 DEFENDANT: Well, when you started taking
21 programs, you learn things. Like the ICVC and the
22 ITCT, you start to learn things. And when you learn
23 those things, you begin to understand. Especially the
24 victim's classes you begin to understand how you
25 created victims out of people and not just those

1 people but those people children, those people
2 grandchildren.

3 And you face to face with yourself, and you
4 have to accept that responsibility. And I began to
5 learn how to accept responsibility for what I did.
6 And not only just in the dark learning or just to
7 myself learning, but just be able to speak it and be
8 able to own it and respect the fact you made a victim
9 and to not make no more victims.

10 I learned through those programs that it's
11 okay to love. Everything is not hard. Everything is
12 not -- everyone is not out to get you. Everything is
13 not bad in life, in the world.

14 And -- and it was -- it wasn't the
15 juvenile -- the progression of the juvenile struggles
16 that made me change. Honestly, it was this
17 environment. This environment I don't -- I've been to
18 a lot of prisons. This is the first prison that
19 allows prisoners to grow. The COs here are not
20 hateful. They're not mean. They're not vengeful.
21 They're not spiteful.

22 There are programs here that they are not --
23 that they don't have anywhere else. And these
24 programs are available to people that want them, and
25 these programs work. These programs will change your

1 life. I didn't have access to these programs, and
2 I -- and I do attribute a lot of these programs,
3 especially the puppies program, for the person I am
4 now.

5 Because when you dealing with these puppies,
6 you have to be kind. You have to be compassionate.
7 You have to just be tender. It puts you in touch with
8 a whole new side of yourself. And that side of myself
9 I like, and I will continue to be that side of myself,
10 whether I'm granted parole now, five years, ten years
11 from now. I will -- I love who I am now.

12 I love the man I have become. I don't like
13 the little boy I was. I don't like what I've done. I
14 am ashamed. There's times I can't even look myself in
15 the mirror thinking about what I've done to this
16 woman.

17 But I just -- all I can offer is I'm not the
18 same person, and I have no intentions on -- the
19 person, the 41-year-old man you looking at right now,
20 this is me. Like, I'm not trying to snow job anyone
21 or anything like that.

22 Like, I did that. I'm owning that, and I'm
23 owning what comes with that. But deep down inside --
24 and I don't want to lie about it anymore, because deep
25 down inside, every time I have to lie about it or -- I

1 die inside, and I don't want to die inside no more.

2 I own everything Mrs. [Victim] went through.
3 Everything. I understand the concerns 110 percent. I
4 own it. And I'm sorry.

5 PANEL MEMBER ONE: Okay. And your
6 involvement, restorative justice hours, over 3200.
7 Notes you're respectful to staff.

8 Physical, mental health okay?

9 DEFENDANT: Yes, it is.

10 PANEL MEMBER ONE: And as far as your
11 transition plan, of course, it says you're saving
12 money and, of course, working towards your future
13 business goal of the dog-training company.

14 DEFENDANT: I'd like to own and operate a
15 dog-walking training and care, and I'd like to train
16 comfort dogs and companion dogs for people in the home
17 healthcare industry. I enjoy the work, and I believe
18 I can create a business for myself. There are people
19 in society who are willing to walk side by side with
20 me until this business becomes successful.

21 PANEL MEMBER ONE: Well, yes, which it's
22 listed as far as your home plan is with your brother
23 in St. Louis. He owns a couple businesses.

24 DEFENDANT: Yes.

25 PANEL MEMBER ONE: As far as possible

1 employment or to help get you started is that --

2 DEFENDANT: Yes. I intend to work for him.

3 I intend to bust my butt for him just like I would any
4 stranger. I am not looking for a handout. I don't
5 want a handout. I want to experience life like an
6 adult would experience life. I want to pay bills. I
7 want to -- I want to be responsible for a house. I
8 want to do everything an adult would.

9 PANEL MEMBER ONE: And, of course, you've
10 never been married. You haven't fathered any
11 children. But what was your home -- what was your
12 home like -- home life like growing up?

13 DEFENDANT: It was -- it was very unreal.
14 Very -- it was poverty at its worse. My mother was
15 never there. Never had a dad. My younger siblings I
16 mainly took care of. When I was around nine, maybe
17 ten years old, I felt a shift in my mother. I felt
18 like I knew that she didn't love me anymore, didn't
19 want me anymore, and that added its own pressure.

20 We lived in a drug-infested neighborhood.
21 We lived in a crime-infested neighborhood. It was
22 just the worst of the worst. It was. And I'm proud
23 of my siblings for being able to get away from that.
24 I'm grateful that they were able to get away from it.
25 I'm proud of them.

1 PANEL MEMBER ONE: The element of knowing
2 right from wrong. You had that ability at 15?

3 DEFENDANT: I knew right from wrong, but my
4 love for this person that took care of me was strong,
5 and I believed in him. He was the only person that
6 ever loved me, that ever did anything for me, which
7 was -- which allowed me to be able to do stuff for my
8 siblings. And --

9 PANEL MEMBER ONE: Okay. But the element of
10 right from wrong when you go in the jewelry store.

11 DEFENDANT: Yes. I definitely --

12 PANEL MEMBER ONE: You knew?

13 DEFENDANT: I should have made the right
14 choice. I should have done that. And the person I am
15 right now, I am appalled at that kid for not making
16 the right choice. I'm appalled that this is a part of
17 my life.

18 That (inaudible) trying to meet with
19 someone, I have this in my life, and I have to live
20 with that. I'm appalled. I'm ashamed of that. Like,
21 I'm not asking for -- to be absolved of that. I'm
22 ashamed of that. I should have done the right thing.
23 I should not have agreed to that.

24 And not -- and not using this as an excuse.
25 My love for him and my trust in him made me do that.

1 PANEL MEMBER ONE: Let me see if the other
2 panel members have any questions for you.

3 Mr. [Panel Member Two]?

4 PANEL MEMBER TWO: What's your relationship
5 with your mother today?

6 DEFENDANT: Cordial. Speaking terms. We
7 try to talk around a lot of questions and concerns I
8 may have. I try to talk to her about how we grew up
9 and some of the things that she allowed to happen to
10 her children, and it angers her, and so I don't bring
11 it up anymore.

12 PANEL MEMBER TWO: I want you to know that
13 the board has received a letter from her in your
14 support, okay?

15 At this time, Mr. [Panel Member One], I
16 can't think of anything else I had.

17 PANEL MEMBER ONE: Okay. Mr. [Panel Member
18 Three]?

19 PANEL MEMBER THREE: I have nothing.

20 PANEL MEMBER ONE: I will give you a closing
21 opportunity, ma'am. Did you have any comments of
22 support?

23 DELEGATE: Well, I guess my job is
24 (inaudible) how much to say. And I think [Inmate] has
25 really presented things as well as they could be

1 presented. And his remorse I think is clear, and I
2 think the setting is unfortunate, kind of the way
3 these situations are set up that I do think he would
4 like to further express and direct remorse and
5 accountability to Ms. [Victim]. And I do myself.
6 And, you know, in a different setting, have to speak
7 (inaudible) to do that.

8 But, you know, obviously we sent our
9 materials. [Inmate] grew up in deep poverty, deep
10 neglect, and this man took him under his wing. And it
11 was this phenomena of his being used as a ploy in the
12 whole situation. Yes, he knew about this robbery, but
13 he was deployed as this father figure in this whole
14 ruse, very sick ruse that this adult man came up with.

15 And [Inmate] today is not that kid. We've
16 worked with [Inmate] for five years.

17 PANEL MEMBER ONE: And you'll provide help
18 and support should he be paroled?

19 DELEGATE: Yes. Obviously, we're his
20 attorneys. We provide holistic support to our
21 clients. This is a man who did not have that kind of
22 support growing up. And it's kind of remarkable how
23 his family has, over the years, the siblings really
24 just developed themselves, and they're here for him as
25 well.

1 But in terms of, for instance, helping him
2 set up his business plan, dealing with collateral
3 consequences that will follow him, helping him address
4 some of those bumps along the way, as a legal, social
5 justice advocates, we will be with him every step.

6 PANEL MEMBER ONE: Okay. Mr. [Inmate], are
7 you aware of your minimum eligibility date?

8 DEFENDANT: Yeah. I had went back and forth
9 with Mr. [Panel Member Three] and (inaudible) --

10 PANEL MEMBER ONE: Okay. I mean, here
11 again, with the -- yeah, with the senate bill, the
12 change, you are eligible for your paroling hearing,
13 but according to calculations, minimum eligibility
14 date would be July 28th of '22, so...

15 And we only go out five years from that
16 point, so there's nothing to be reached other than,
17 you know, a reconsider, a rehear at some -- at some
18 point.

19 DELEGATE: I don't know if I'm able to speak
20 to that.

21 PANEL MEMBER ONE: No. No, ma'am.

22 DELEGATE: Okay.

23 PANEL MEMBER ONE: You're as far as support
24 on his behalf, so is there any -- anything else?

25 PANEL MEMBER TWO: I can't think that I have

1 anything further, Mr. [Panel Member One].

2 PANEL MEMBER ONE: Okay. Anything you'd
3 like to say that we haven't covered?

4 DEFENDANT: I would like to -- again, I
5 would like to reiterate for the board that I'm not
6 that same person that was in (inaudible). I would
7 like to reiterate to the victims that I'm deeply
8 sorry. I know I didn't just hurt (inaudible)
9 everybody involved. I'm sorry for that deeply. Not
10 just because I've been in prison almost 26 years, but
11 because I understand what it is to love your family
12 and have a family, and I can't imagine someone doing
13 that to my sister. And I'm sorry for doing that to
14 you. I'm sorry.

15 PANEL MEMBER ONE: Okay. Mr. [Inmate], that
16 will then conclude your hearing. You know, continue
17 the programs and involvement, you know, that you're --
18 that you're showing us these last couple years. I
19 know Puppies for Parole is big to you. Any other
20 programs that you haven't taken. Continue the good
21 conduct.

22 DEFENDANT: Okay.

23 PANEL MEMBER ONE: Thank you.

24 DEFENDANT: Thank you for this opportunity.

25 PANEL MEMBER ONE: Okay. Thank you. That

1 concludes your hearing. Ma'am, thank you for coming.

2 (Indecipherable crosstalk.)

3 PANEL MEMBER ONE: We're probably going to
4 wait or have him sit in the foyer a little bit until
5 everyone clears.

6 UNIDENTIFIED SPEAKER: Make sure she drives
7 off.

8 PANEL MEMBER ONE: Yes.

9 PROSECUTING ATTORNEY: And I don't know if
10 this is appropriate. Just based on your question, I
11 wanted to hand you this. This is a transcript of his
12 statement. Since I heard a brand new one today, I
13 thought you might want to compare.

14 PANEL MEMBER ONE: Oh, yeah.

15 PROSECUTING ATTORNEY: I didn't include that
16 initially because I didn't think it would be an issue,
17 but...

18 UNIDENTIFIED SPEAKER: Can you scan that and
19 send that to me?

20 PROSECUTING ATTORNEY: I can send you a
21 copy, too. Thank you, gentlemen.

22 PANEL MEMBER ONE: Thank you for coming.

23 (Inaudible conversation.)

24 PANEL MEMBER ONE: At this time.

25 UNIDENTIFIED SPEAKER: Yeah.

1 PANEL MEMBER ONE: At this time.

2 UNIDENTIFIED SPEAKER: At -- from this
3 hearing. From this hearing it's not an option because
4 his earliest date is over five years. (Inaudible).

5 (Inaudible conversation.)

6 UNIDENTIFIED SPEAKER: That is kind of what
7 they're talking about. So they can (inaudible).

8 (Inaudible conversation/crosstalk.)

9 UNIDENTIFIED SPEAKER: I'm still on record.
10 Should I go off?

11 PANEL MEMBER ONE: Yeah.

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REPORTER CERTIFICATE

I, Elizabeth M. Tucker-Gravitz, Certified Shorthand Reporter, Certified Court Reporter, do hereby certify that said Audio-recorded Parole Board Hearing was transcribed by myself, translated and proofread using computer-aided transcription; and the above transcript of proceedings is a true and accurate transcript of my notes of the audio to the best of my ability.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated December 5, 2017.

Elizabeth M. Tucker-Gravitz, CCR,

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